

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ESCAPEX IP, LLC,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

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Civil Action No. 6-22-cv-00428-ADA

JURY TRIAL DEMANDED

**JOINT NOTICE REGARDING DISMISSAL AND DISCOVERY OF PRE-SUIT
INDIRECT INFRINGEMENT AND WILLFULNESS CLAIMS PURSUANT TO OGP 4.1**

Pursuant to Section VII of the Court’s Standing Order Governing Proceedings (OGP) 4.1—
Patent Cases, Plaintiff EscapeX IP, LLC and Defendant Google LLC file this joint notice regarding
dismissal and discovery of pre-suit indirect infringement and pre-suit willfulness claims. The
parties jointly stipulate as follows:

1. Plaintiff’s claims for pre-suit indirect infringement and pre-suit willful
infringement of U.S. Patent No. 9,009,113 are dismissed without prejudice.
2. Once fact discovery opens and for the first three months thereafter, Plaintiff may
take fact discovery related to pre-suit indirect infringement and pre-suit willful
infringement.
3. Plaintiff may amend its pleadings to re-assert claims for pre-suit indirect
infringement and/or pre-suit willful infringement if it discovers facts to support a
good-faith basis for such claims. Any such amendment must be made within three
months after fact discovery opens.

Dated: July 5, 2022

Respectfully submitted,

/s/ Jeffrey E. Kubiak

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Attorney for Defendant Google LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of July, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Brian C. Banner

Brian C. Banner
Attorney for Defendant Google LLC